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Dated: April 7, 2006

Signature: _____

(James P. Zeller)

Docket No.: 29617/PM421A
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Patent Application of:
Christopher J. Stevens

Application No.: 08/940,815

Confirmation No.: 5323

Filed: September 30, 1997

Art Unit: 1734

For: CORRECTION TAPE DISPENSER

Examiner: M. C. Mayes

**DECLARATION OF BRET MARSCHAND AND ATTACHED DRAWINGS PURSUANT
TO 37 C.F.R. § 1.132**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Bret Marschand, hereby declare:

- 1) I am a citizen and resident of the United States of America.
- 2) I have a Bachelor of Science in Inventive Design Engineering from Purdue University (1997) and a Masters of Product Development from Northwestern University (2005).

I was a recipient of a Good Design Award from The Chicago Athenaeum: Museum of Architecture and Design for the Cadant C4 Cable Modem Termination System in 2001.

- 3) I am currently a Senior Development Engineer with Sanford, L.P. ("Sanford"), a division of Newell Rubbermaid, Inc. I am responsible for program and technical management of new products under development in the Papermate Group which includes correction tape dispensers. I have been employed directly by Sanford in a technical capacity for 4 1/2 years.

4) Sanford, the assignee of the above-referenced application, is an industry leader in the design and manufacture of a wide range of office products, including correction tape dispensers.

5) I personally have been issued seven U.S. utility patents and five U.S. design patents, all of which are in field of office products.

6) I have reviewed the official action mailed by the U.S. Patent & Trademark Office ("the Office") on October 24, 2005, regarding the above-referenced patent application.

7) I have reviewed full English translations of the prior art references cited in the above-referenced official action, including Omori, Japanese Patent Application No. 63-56690 ("Omori"), and de Ruyter, French Patent No. 2643351 ("de Ruyter"). The official action alleges that it would have been obvious to rotate the tip of the correction tape dispenser of Omori as taught by de Ruyter.

8) As one of ordinary skill in the art of office products, the subject matter specified in claims 1-25, in my opinion, would not have been obvious in light of such cited art. If the tip of Omori were simply rotated as asserted by the Office, the correction tape dispenser of Omori would not work properly, and in fact, the functionality of the correction tape dispenser would be destroyed. Accordingly, one of ordinary skill in the art would not simply rotate the tip of Omori as asserted in the office action.

9) Omori discloses a correction tape dispenser 10 with a supply reel 30 and a take-up reel 40 and an applicator tip 20. A tape 11 extends from the supply reel 30, over the outside of a first peg 18, around the applicator tip 20, over the outside of a second peg 19, and back to the take-up reel 40. The first peg 18 and the second peg 19 are spaced a considerable distance from each other such that the tape 11 makes an approximately 45° bend at the edge 25 of the applicator tip 20.

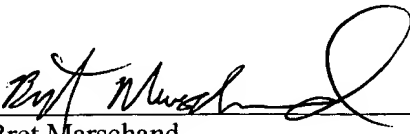
10) Attached are a set of drawings that depict what would happen to the dispenser of Omori if the applicator tip were rotated as asserted in the official action. The correction layer of the tape is a brittle substance, and a backing tape is needed as a carrier. This brittleness aids in the tape peeling from the backing tape and breaking from itself so that the correction tape disposed on the paper remains on the paper when the user removes the tape dispenser from the paper. After manufacture and prior to use, the tape could possibly lay as shown in Fig. A1. In this position, the tape is bent around the edge of the flange 23, and generally buckles into a U-shape along its length. The tape must take this shape to accommodate the turn into the applicator tip. Even if the tape were to maintain this path during use (which it wouldn't, see next paragraph), this tape path is highly undesirable because it would produce a ragged edge of the tape. Further, portions of the brittle tape would break off and build up along the edge of the flange 23. This is also unacceptable.

11) However, the tape will not maintain its shape as shown in Fig. A1, and once the tape dispenser is used, the tape would quickly take the shape shown in Fig. A2. In this condition brought on by normal use, the tape has completely folded over itself, with the tape backing layer on the outside. This is considered a complete failure in the art.

12) No person of ordinary skill in the art would construct a correction tape dispenser as defined in the official action, because such a design would produce a non-functional correction tape dispenser.

13) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

February 20, 2006


Bret Marschand
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